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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,337	09/26/2003	Rami Caspi	12003P08216US	9686

7590 09/29/2006

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,337

Applicant(s)

CASPI ET AL.

Examiner

Wayne Cai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/05/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-6, 8, 9, 11-23 are currently pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 9, and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalthoff et al. (hereinafter "Kalthoff", US 2001/0048364) in view of Holloway et al. (hereinafter "Holloway", US 2003/0092451).

Regarding claim 1, Kalthoff discloses a telecommunications system, comprising:

- a plurality of network clients (i.e., plurality of target devices 24) including a positioning controller (i.e., GPS antenna 58, GPS receiver 60, and GPS processor 62; also see paragraph 0043) and a communications controller (i.e., wireless communication circuit, DSP transmitter 76 and DSP antenna

- 78 coupled to CPU 80 of processor chip 82, and a wireless communication network 26; also see paragraph 0044);
- a positioning server (i.e., a data processing system 28) including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (also see paragraphs 0039 and 0045);
 - wherein said plurality of network clients (i.e., plurality of target devices 24) are configured to transmit position information received (i.e., position data 84) via said positioning controller (i.e., GPS system 58, 60, and 62) to said positioning server (i.e., the data processing system 28) via said communications controller (i.e., the wireless communication network 26). Also see paragraph 0044, said positioning information including information related to loss of a position signal (paragraph 0045) and wherein a location based on a prior location derived from the position signal is assigned responsive to said loss of a position signal (paragraphs 0081-0082; and fig. 3D).

Kalthoff, however, does not specifically disclose wherein contact information associated with the location is updated when said position-related information is updated, said contact information being associated with a telephone number at the location.

In a similar endeavor, Holloway discloses method of mobile phone consolidation. Holloway further discloses wherein contact information (i.e., preferred phone 240)

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associated with the location is updated when said position-related information is updated (i.e., within a range of preferred phone transmitter 220), said contact information being associated with a telephone number at the location (i.e., preferred phone number 240). Also, see paragraphs 0017-0018.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kalthoff with Holloway.

The motivation/suggestion for doing so would have been to provide services to users/subscribers seamlessly.

Claims 8 and 15 do not substantially differ from independent claim 1, therefore same rejections would be applied.

Regarding claims 2, 11, and 17, Kalthoff and Holloway both disclose all limitations with claims as described above, except for wherein said plurality of network clients are configured to associate said loss of said position signal with being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 3, Kalthoff and Holloway both disclose all limitations with claims as described above. Kalthoff also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (paragraph 0081).

Regarding claims 4, 14, 16, and 19, Kalthoff and Holloway both disclose all limitations with claims as described above. Kalthoff also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (paragraph 0081), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Holloway, however, discloses the transmission position update is correlated with a predefined position-presence correlation rule (i.e., when mobile phone approaches to the transmitter 220).. Hence, it would be obvious to one skilled in the art to modify a method of position update based on the predetermined area with the transmission of position update upon loss of signal when is correlated with a predefined position-presence correlation rule.

Regarding claims 5 and 9, Kalthoff and Holloway both disclose all limitations with claims as described above. Holloway also discloses wherein said position signals comprise global positioning system signals (paragraph 0043).

Regarding claim 6, Kalthoff and Holloway both disclose all limitations with claims as described above. Holloway also discloses wherein said communications controller is a cellular telephone controller (a wireless communication network 26).

Regarding claim 12, Kalthoff and Holloway both disclose all limitations with claims as described above. Holloway discloses wherein said cellular telephone controller transmits changes to location status to said associated server (fig. 2, and its descriptions).

Regarding claim 13, Kalthoff and Holloway both disclose all limitations with claims as described above. Kalthoff also discloses wherein said communications

controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (paragraph 0081).

Regarding claim 18, Kalthoff and Holloway both disclose all limitations with claims as described above. Kalthoff also discloses wherein said communication controller is adapted to transmit a position update to said associated server upon a loss of said position signal (paragraphs 0081-0082).

Regarding claim 20, Kalthoff and Holloway both disclose all limitations within claim as described above. Kalthoff also discloses wherein said loss of signal is associated with a hysteresis threshold (paragraphs 0079-0080).

Regarding claims 21-23, Kalthoff and Holloway disclose all limitations within claim as described above. Although, the combination of Kalthoff and Holloway does not specifically teach wherein said contact information is not updated if the location where a loss of signal occurs is a subset of another location associated with said contact information. However, the claimed feature is obvious because for instance, when a mobile phone is associated with a preferred phone at a location (e.g., a building). Thus, when a loss of signal occurs within a room of the building, where the room is the subset of the building, then the location is not updated because the mobile is associated with the building and the system only refers to the building only.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

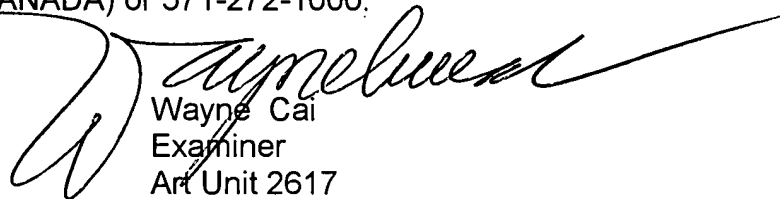
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Wayne Cai
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Art Unit 2617



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